



U.S. Immigration
and Customs
Enforcement

News Release

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Wichita company and its officers plead guilty to knowingly hiring illegal aliens

WICHITA, KS -- A Wichita company, its owner, and a manager pleaded guilty yesterday to knowingly hiring illegal aliens and agreed to pay a total of \$210,000 in fines.

Bob Eisel Powder Coatings Inc., owner and president Bob Eisel, and general manager Kenric "Butch" Steinert, all of Wichita, pleaded guilty during a hearing before U.S. District Judge Wesley E. Brown. The remaining co-defendant in the case, company foreman Troy Hook, of Clearwater, was arraigned yesterday and pleaded not guilty.

The defendants each pleaded guilty to one count of making a false statement on an I-9 Employment Eligibility Verification Form that fraudulently certified employee Francisco Javier Avila- Garcia had provided genuine documents qualifying him to be employed.

A 28-count indictment filed earlier this month charged that since 1997 the company routinely employed undocumented foreign nationals, primarily from Mexico, knowing they were providing false identification documents to be employed. The indictment resulted from an investigation by U.S. Immigration and Customs Enforcement (ICE) and the Social Security Administration.

"There is a message here for law abiding employers," said U.S. Attorney Eric Melgren, of the District of Kansas. "Knowingly assisting illegal aliens to appear qualified for employment in this country is a crime." The Bob Eisel company singled itself out for criminal prosecution, Melgren said, by deliberately trying to get around federal laws requiring workers to submit documents verifying their right to work in the United States.

According to the pleas, in 2002, the company began receiving letters from the Social Security Administration warning that employees were working under Social Security numbers that had not been assigned to them or were being used by more than one person. In response, Eisel, Steinert and Hook notified employees of the problem and directed them to obtain different numbers if they wanted to remain employed.

A Bob Eisel employee named Francisco Javier Avila-Garcia helped employees whose identities Social Security questioned to obtain false documents. Poncho periodically received \$100 cash for each employee, which Stein obtained from the office safe. Once the false documents were obtained,

the company created paperwork terminating the employees under the old names and then rehired the same employees under new names.

The employees filled out new paperwork including employment applications, I-9 Employment Eligibility Verifications, and W-4 Employee's Withholding Allowance Certificates. With Eisel's knowledge, Steinert completed and signed employer certification documents stating "the above listed documents appear to be genuine and related to the employee named...and that to the best of my knowledge the employee is eligible to work in the United States."

The count to which the defendants pleaded guilty carries a maximum penalty of five years in federal prison and a \$250,000 fine. Judge Brown will determine the sentence at a hearing Nov. 15. The plea agreement outlines the following proposed sentence: a \$175,000 fine for the company; a \$25,000 fine for Bob Eisel; a \$10,000 fine for Kenric Steinert, and a sentence at the low end of the guidelines.

Assistant U.S. Attorney Brent Anderson is prosecuting the case.

ICE

U.S. Immigration and Customs Enforcement was established in March 2003 as the largest investigative arm of the Department of Homeland Security. ICE is comprised of four integrated divisions that form a 21st century law enforcement agency with broad responsibilities for a number of key homeland security priorities.